

Seattle Urban Forestry Commission

Elizabetha Stacishin-Moura, Chair • Matt Mega, Vice Chair • Nancy Bird • Gordon Bradley
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Draft

September 27, 2010

Dear Honorable...,

The Urban Forestry Commission was formed in 2010 by Seattle Ordinance 123052 establishing a 9-member Urban Forestry Commission to advise the Mayor and City Council on policies, plans, and regulations related to the protection, management, and conservation of trees in Seattle. We are providing this letter to Council to help identify what we as Commissioners feel a 'great' tree ordinance should contain. We are hoping this effort will help City Council navigate the difficult decisions ahead as Council tries to evaluate the proposed Department of Planning and Development (DPD) tree regulations and where improvements should be made.

Urban Forest Overview:

The urban forest is more than individual trees or pretty green things it is a critical element of Seattle's green infrastructure. Similar to roads, sewers or catch basins the urban forest provides direct monetary and social benefits to the citizen's of Seattle. The urban forest cleans the air, slows stormwater runoff, provides wildlife habitat and reduces energy use. The urban forest is good for Seattle.

The urban forest is also a critical component of Seattle's land use efforts. As our city embraces the need to become more compact and livable the urban forest will help to connect the numerous pieces of our built environment (homes, office buildings, schools, coffee shops etc.) in a way that creates a healthier environment, a more cost effective infrastructure system and of course a more pleasant and livable city. Put another way will Seattle remain livable if it increases its density without protecting the green elements of our city that allow citizens an escape from the dominance of concrete associated with the built landscape?

Both Seattle's Comprehensive Plan and the Urban Forest Management Plan (UFMP) identify Seattle's desire to promote environmental stewardship through the protection of the urban forest.

"Vision: Seattle's urban forest is a thriving and sustainable mix of tree species and ages that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all its citizens as an essential environmental, economic and community asset." Urban Forest Management Plan- April 2007

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“The existence of tree canopy and significant trees in the city are important to retaining the livability of the city as growth occurs.”

Seattle Comprehensive Plan- 2005

Introduction:

At its core a great tree ordinance will focus on trees and tree protection. It will be written with the best interest of the urban forest in mind. The ordinance should provide enough predictability that developers have clarity to what is expected of them and allow enough flexibility so developers have choice in meeting the rules, but it should be clear that this is a tree protection ordinance.

A great tree ordinance will also recognize that the ordinance itself is only a piece of the larger puzzle. We must look beyond land use code to ensure that tree protection is identified throughout the efforts of the city and its Departments. This includes providing educational material, opportunities to plant trees, consistent tree maintenance budgets and any other efforts that help to promote trees as the critical green infrastructure that they represent.

Finally, to achieve the best possible tree protection ordinance there needs to be a holistic approach. The city should broaden the scope of professionals creating the ordinance to include arborists, ecologists and other tree related professions that can speak to the **value** of trees. These additional professionals should be able to craft realistic code language to achieve tree protection without sacrificing other important goals of the city and move beyond the narrow scope presented in DPD’s proposal.

Goals:

In this section we identify five broad goals that we feel a great tree ordinance should include and that have not be adequately addressed in the current proposal.

1. *Healthy Northwest urban forest across the city:*

As stated in the vision of the UFMP above it is important to understand a healthy urban forest is more than just the number of trees or the amount of canopy. A healthy urban forest includes a *healthy mix of species, age and geographic distribution*. It places value on large trees and ensures the *distribution of large trees* throughout the city. There should be a mechanism to determine *tree value equivalencies* and will recognize that *habitat value* is a key indicator of a healthy urban forest. Finally, the ordinance needs to balance tree protection with *tree planting*.

2. *Formally Adopt and implement the UFMP:*

As stated above both the City’s Comprehensive Plan and the UFMP address urban forest protection and acknowledge the high status the urban forest has within the minds of Seattle citizens. *The UFMP needs to be adopted by City*

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Council and form the foundation for the tree protection ordinance. By ratifying the 30% tree canopy cover goal and the mechanisms within the UFMP to meet this goal a meaningful document on which to evaluate the tree protection ordinance will be available to City Council. For implementing the tree ordinance and achieving the City's 30% canopy goals a *realistic budget* will also need to be created, approved and sustained.

3. Elevation of trees as infrastructure:

The understanding that *trees are infrastructure* has most certainly grown over the last few years, however, the Commissioners believe more needs to be done. Specifically the tree protection ordinance needs to be more explicit in its acknowledgment of the monetary benefits of a healthy urban forest. For instance, the cost-benefit analysis on whether or not to implement a permit system in the DPD proposal only took into account the direct cost to city staff budgets, but did not account for the monetary benefit accrued by the ecosystem services provided by a healthy urban forest. If a permit system prevents the premature cutting of trees how much money does that save in stormwater management or air pollution mitigation? Another way to put it if we cut the urban forest how much more money in stormwater infrastructure will the city need to provide? In each cost-benefit analysis the cost and benefit to the city, to the private sector and to the citizens of Seattle must be analyzed. What is the cost of removing large (exceptional) trees to the ecosystem services provided to city?

4. Public Education:

Public education and outreach will always be critical to the successful protection and enhancement of our urban forest. Unfortunately, public education is usually the first cut to be made in a lean budget year. If the city moves toward an incentive based methodology to protect trees and does not follow up with education, increased tree give away programs and monitoring of the tree canopy we will never meet the 30% tree canopy cover goal. The public education component needs to help citizens understand that *trees are infrastructure*, that they are *part of the civic realm*, provide *spiritual and aesthetic values*, can help *calm traffic*, provide a *memorable experience* of place and are part of the *Pacific Northwest legacy*. The city also needs to proactively address the many reason people cut trees, often prematurely like- property line disputes, predatory tree companies, views, too much shade, mess created by leaf or needle drop and sidewalk damage. In each of these cases alternatives exist to help property owners make a different choice than cutting the tree, but often homeowners do not know their options. Finally, the city needs to increase the amount of tree give away programs and follow-up education to ensure tree survival.

The current DPD proposal strongly relies on public outreach and incentive programs to ensure a healthy urban forest, unfortunately DPD presents no plan for enhanced public outreach or tree planting and therefore we see no viable way how this proposal can stabilize tree loss and meet the 30% tree canopy goal.

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5. Comprehensive Urban Forest Management:

As stated above the tree protection ordinance is only one piece of the larger puzzle. To ensure successful protection and enhancement of the urban forest the City of Seattle must look at the urban forest in a *comprehensive* manner. From the perspective of the tree protection ordinance itself this means an *equitable* ordinance with *clear compliance requirements*. It means that there needs to be a strong *enforcement* mechanism with *punitive measures as a deterrent*. From the larger perspective it means the city must implement the tree protection ordinance and all other urban forest efforts *efficiently*. This will require City Departments to be *coordinated* and responsibility and *accountably* should be a high priority within the city. There needs to be a mechanism to address conflicts and ensure City Departments incorporate tree protection and enhancement into their missions. The City should look into a centralized agency to oversee the urban forest and ensure this coordination, cooperation and accountability.

Tools:

In order to implement a 'great' tree protection ordinance a variety of tools and strategies need to be considered and utilized. The current version of the DPD proposal relies too heavily on the incentive pieces while completely removing the stronger requirements of the existing regulations. We might all agree that 'carrots' are the preferred method, but carrots only work if there are some 'sticks' to bring balance to the proposal. Below is our laundry list of possible tools to implement the tree protection ordinance.

1. Permit System

There is considerable debate surrounding the possibility of a permit system. One of the major benefits of a permit system is *tracking*. Knowing exactly when, where and what type of trees are being cut in the city. This is the only way the city can truly measure its progress toward the canopy cover goals. Under the proposed DPD changes private landowners have zero requirements to meet before cutting a tree. At the very least this could lead to unsafe cutting that puts neighbors or the public at large in danger. A second benefit of a permit system would be the opportunity for *public education* and to help the homeowner pause before moving forward with removal. A third benefit would be *enforcement*. Enforcement could remain complaint driven (DPD's preferred method) but when a complaint comes in it would be easy to pull a permit and determine immediately whether the tree was legally or illegally cut. Finally, in DPD's case against a permit system they equated permits with the permanent protection of certain trees and the burden it would place on citizens. Permits are currently required for sewer work, fixing retaining walls, building fences, electrical work, building decks and many other activities. The reason to require a permit is to allow the city assurances that particular work is being done correctly and that it does not impact the health, safety and welfare of citizens negatively. A permit system may or may not be the best method for Seattle, but we need DPD to do a better analysis than simply concluding it costs too much and burdens citizens.

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2. Professional Standards

One of the key ways to ensure safe removal or pruning of trees is to require professional standards. Currently, the City does require tree companies to acquire an annual permit to do work in Seattle. However, the process is often confusing and lacks enforcement. In addition, citizens often complain about predatory tree companies that pressure homeowners into tree work through scare tactics and other methods. To ensure the implementation of a great tree ordinance the city needs to be diligent in who is doing the tree work and the professional standards that should be required.

3. Central Tree Authority

Currently, several Departments have management authority over trees in the city. Some feel this is working well and others feel it is not working at all. The ability to centralize tree issues in one Department especially the oversight component should be explored. The City Auditor's report suggested this action and several advocacy groups are also calling for all tree activities to be centrally located under the bureau of urban forestry. More research is needed before we can decide if Seattle needs a bureau of forestry, but the benefits of a single point of contact, stronger accountability and enforcement, better public outreach and coordinated efforts all seem to merit further exploration.

4. Positive Incentives

Citizens, decision-makers and developers all rather see carrots used to promote and protect the urban forest over sticks. There needs to be a balance draw between the two. The UFC strongly believes that positive incentives need to be used to ensure the long term health of our urban forest. These incentives can take on many forms and need to start with a foundation of public education to help citizen understand the benefits of the urban forest. Tax credits, reduced stormwater fees, tree give away programs, classes and workshops are just a few of the positive incentives that can be used to help private homeowners protect trees.

5. Flexibility for Compliance

Developers also need choices when trying to develop a piece of property and protect significant canopy. The UFC likes the concept of a tree credit and green factor to help developers understand the trade-offs and possibilities of their design choices. The more creativity and flexibility that can be built in the regulations the more likely we will preserve canopy during the development phase. Other flexible options might be the use of conservation easements, fee in lieu and tree banks. The city will need to work through a list of flexible options that can complement the current tree credit / green factor elements.

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6. Tree Standards

The city will need to make available the numerous tree standards it wants to hold developers and private citizens accountable. This will include tree planting standards, maintenance standards, survival requirements, replacement requirements, how to deal with invasive, diseased and hazard trees, pre-application review and right tree in the right place guidelines.

In addition, the city currently has a size threshold (exceptional tree) and an annual cutting limit (3 trees). Both of these standards disappear in the proposed DPD regulations. Many jurisdictions use both of these tools to protect the urban forest effectively. The UFC would like a more quantified explanation as to why DPD removed these standards and more importantly how will the proposed rules protect the urban forest on private property. This is one of the biggest holes in DPD's proposal and one that the UFC feels needs to be addressed before code can be written, **how will tree be protected on private property, and how will tree be protected after development is completed?**

In summary, a great tree ordinance protects all elements of the urban forest; public, private, developing and non-developing. It is comprehensive, bold and enforceable, yet predictable and flexible. It maintains the health of a diverse and geographically dispersed urban forest and recognizes the urban forest as an integral part of the green infrastructure system. Trees are elevated to the same status as stormwater management elements, transportation and sewer infrastructure.

Thank you for the opportunity to comment and please contact us with any questions you may have. We look forward to continuing to work with City Council, the Mayor, City Departments and our citizens to ensure protection and enhancement of our urban forest.

Sincerely,